



Journal of the House

State of Indiana

119th General Assembly

First Regular Session

Forty-second Day

Monday Afternoon

April 13, 2015

The invocation was offered by Pastor Kent Fahl of Berne Evangelical Church in Berne, a guest of Representative Matt Lehman.

The House convened at 1:30 p.m. with Speaker Brian C. Bosma in the Chair.

The Pledge of Allegiance to the Flag was led by Representative Matt Lehman.

The Speaker ordered the roll of the House to be called:

Arnold	Klinker
Austin	Koch
Aylesworth	Lawson
Bacon	Lehe
Baird	Lehman
Bartlett	Leonard
Bauer	Lucas
Behning	Macer
Beumer	Mahan
Borders	Mayfield
Braun	McMillin
C. Brown	McNamara
T. Brown	D. Miller
Burton	Moed
Carbaugh	Morris
Cherry	Morrison
Clere	Moseley
Cook	Negele
Cox	Niezgodski
Culver	Nisly
Davisson	Ober
DeLaney	Olthoff
Dermody	Pelath
DeVon	Pierce
Dvorak	Porter
Eberhart	Price
Errington	Pryor
Fine	Rhoads
Forestal	Richardson
Friend	Riecken
Frizzell	Saunders
Frye	Schaibley
GiaQuinta	Shackleford
Goodin	Slager
Gutwein	Smaltz
Hale	M. Smith
Hamm	V. Smith
Harman	Soliday
Heaton	Speedy ☐
Huston	Stemler
Judy	Steuerwald
Karickhoff	Sullivan
Kersey	Summers
Kirchhofer	Thompson

Torr
Truitt
Ubelhor
VanNatter
Washburne
Wesco

Wolkins
Wright
Zent
Ziemke
Mr. Speaker

Roll Call 397: 98 present; 1 excused. The Speaker announced a quorum in attendance. [NOTE: ☐ indicates those who were excused.]

RESOLUTIONS ON FIRST READING

House Resolution 49

Representatives Lehman, Pelath and Richardson introduced House Resolution 49:

A HOUSE RESOLUTION honoring Civil War reenactors.

Whereas, 150 years ago the American Civil War which had raged across cities and farms for nearly four years was grinding to a close;

Whereas, During the Civil War, over 200,000 Hoosiers, 15 percent of Indiana's population, answered President Lincoln's call to arms;

Whereas, Over 24,000 gave the last full measure of their devotion and more than 50,000 bore the wounds of war;

Whereas, Indiana regiments fought gallantly and with great valor, seeing action in all major engagements of the war from Gettysburg, Pennsylvania, to Vicksburg, Mississippi, and from Franklin, Tennessee, to Antietam, Maryland;

Whereas, They suffered and died in the infamous Andersonville prison and marched with Sherman to the sea;

Whereas, The actions of those soldiers are memorialized throughout Indiana from cemetery to cemetery and in bronze statues that stand over nearly every courthouse square; and

Whereas, These men and women who put on the kepi, lace up the brogans, and cinch up the dresses are the greatest asset in keeping history alive in our great state. They teach our next generation the importance of the new birth of freedom via reenactments and classroom presentations: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives acknowledges the great job done by Civil War reenactors in bringing our history to life so that future generations may more fully understand the trials and tribulations endured by all citizens during the Civil War.

The resolution was read a first time and adopted by voice vote.

House Resolution 50

Representatives Errington, Wright and Beumer introduced House Resolution 50:

A HOUSE RESOLUTION honoring the life and accomplishments of Dr. W. Philip Ball.

Whereas, Dr. W. Philip Ball is a lifelong Hoosier born in Muncie in 1919 to Dr. Clay A. Ball and Mrs. Helen Mauck Ball;

Whereas, A member of the original Muncie Ball family that came to the area in the 1830s, Dr. Ball graduated from Muncie Central High School, studied at Ball State Teachers College, and earned his B.A. and M.D. from Indiana University;

Whereas, Dr. Ball interned at Cook County Hospital in Chicago and received specialty training in internal medicine at the Mayo Clinic, where he earned a Master of Science degree in medicine from the University of Minnesota;

Whereas, Dr. Ball practiced medicine in Muncie for 43 years and also taught medical students at Ball Memorial Hospital;

Whereas, In recognition of his many accomplishments and dedicated service, Dr. Ball was named Internist Laureate by the Indiana Chapter of the American College of Physicians;

Whereas, Dr. Ball also served as a medical officer in the Navy during World War II;

Whereas, A published writer for more than 50 years, Dr. Ball has had hundreds of his letters, articles, and columns printed in local and national newspapers and medical publications and published six books, including children's stories and poetry;

Whereas, Dr. Ball was designated by the Indiana House of Representatives as the Poet Laureate for 1992 and was given a Special Citation Award by Ball State University's Department of Journalism in recognition of his numerous contributions to local newspapers;

Whereas, Dr. Ball is the author of the poem "My Indiana" which lauds the beauty of our state;

Whereas, "My Indiana" was set to music by conductor Leonard Atherton, performed by the Muncie Symphony orchestra on many occasions, and is the official symphonic song of Indiana;

Whereas, An active member of his community, Dr. Ball was a member of the Muncie Rotary, the Delaware-Blackford Medical Society, the honorary staff of Ball Memorial Hospital, and the American College of Physicians and served as a board member of the local Keep Cool with Coolidge Club and the American Grackelgoober Disease Society; and

Whereas, Dr. Ball has touched the lives of countless Hoosiers and people everywhere with his compassion and devotion to others and through his love of the arts: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives wishes to recognize the many contributions and accomplishments of Dr. W. Philip Ball. Dr. Ball is an accomplished doctor, author, and poet whose work has brightened the lives of Hoosiers throughout the state and people everywhere.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to Dr. W. Philip Ball and his family.

The resolution was read a first time and adopted by voice vote.

House Concurrent Resolution 75

Representatives Richardson, GiaQuinta, Cook and Saunders introduced House Concurrent Resolution 75:

A CONCURRENT RESOLUTION acknowledging the tragic assassination of Abraham Lincoln and the fact that he "truly belongs to the ages".

Whereas, Abraham Lincoln was elected as the 16th president of the United States in November 1860;

Whereas, The presidency of Abraham Lincoln was marked by numerous events that would be forever remembered in history;

Whereas, During his presidency, a Civil War was waged, and was won by Union troops, and the United States was preserved;

Whereas, On May 20, 1862, President Lincoln signed the Homestead Act allowing an American citizen to claim 160 acres of western lands to own and farm;

Whereas, On July 1, 1862, during his Presidency, Lincoln signed the Pacific Railway Act allowing the construction of the transcontinental railroad connecting the east and west coasts;

Whereas, On July 2, 1862, Lincoln signed the Morrill Act, also known as the Land Grant College Act, allowing higher education for all citizens;

Whereas, On May 15, 1862, President Lincoln created the United States Department of Agriculture to serve the country's agriculture interests;

Whereas, On March 3, 1863, President Lincoln signed the National Banking Act, which created a system of National Banks and a uniform national currency;

Whereas, That during his presidency on January 1, 1863, he signed the Emancipation Proclamation, which ended slavery in those states in rebellion, and supported the 13th Amendment to the U.S. Constitution, which passed the Senate on April 8, 1864, and the House of Representatives on January 31, 1865; this permanently ended legal slavery in the United States after ratification, making Lincoln the first American president in history to publicly announce that he favored voting rights for African Americans;

Whereas, Abraham Lincoln made the ultimate sacrifice for the country he loved, dying from an assassin's bullet on April 15, 1865;

Whereas, Edwin M. Stanton, Secretary of War, stated upon Lincoln's last breath, "Now he belongs to the ages";

Whereas, April 15, 2015, is the 150th anniversary of the death of Abraham Lincoln and the beginning of his legacy to the ages; and

Whereas, Abraham Lincoln's legacy consists of monuments, memorials, schools, colleges, currency, books, streets, avenues, U.S. naval vessels, tunnels, zoos, counties, automobiles, parks, a state capital, forts, cemeteries, stamps, and more: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly encourages all the citizens of Indiana to help prepare the next generation of Hoosiers by visiting memorials, reading books, and discussing the legacy of Abraham Lincoln so that he indeed continues to belong to the ages.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Kenley.

House Concurrent Resolution 76

Representatives Frizzell, Speedy and Wright introduced House Concurrent Resolution 76:

A CONCURRENT RESOLUTION congratulating Eric Vincent.

Whereas, Eric Vincent, a member of the faculty since 1999 and Dean of Curriculum at Lutheran High School, has been named the 2014 Lutheran High School Teacher of the Year;

Whereas, Eric Vincent teaches English and speech and serves as Chair of the English Department;

Whereas, Eric Vincent recently attained the status of adjunct lecturer for Indiana University Bloomington when he began teaching the university's English composition courses at Lutheran High School;

Whereas, Eric Vincent earned a bachelor's degree in education from Concordia University in Nebraska and a master's degree in curriculum and instruction from the University of Indianapolis;

Whereas, Becoming a teacher was a natural choice for Eric Vincent because most of the people who helped raise him were educators;

Whereas, Eric feels a strong sense of gratitude for all the time and love that has been shown him over the years and feels that being an educator allows him the opportunity to express this gratitude and perpetuate a process that was so instrumental in shaping who he has become;

Whereas, One of the goals Eric Vincent hopes to attain is that his students are "better armed to express themselves at the collegiate level, well-prepared for the reading demands ahead of them, and more in touch with the wide range of human experience that opens up to us through language";

Whereas, Eric Vincent was chosen as Lutheran High School's 2014 Teacher of the Year by his peers, the students, and the student's parents because of his excellence in the classroom and his ability to inspire; and

Whereas, Education is vital to the success of the youth of our state, and all Hoosiers take pride in teachers who dedicate themselves to educating our young people: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly congratulates Eric Vincent on his selection as the 2014 Lutheran High School Teacher of the Year and encourages him to continue dedicating himself to the education and betterment of young Hoosiers.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to Eric Vincent and his family and Michael Brandt, Head of School.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Pat Miller.

House Concurrent Resolution 77

Representatives Behning and Macer introduced House Concurrent Resolution 77:

A CONCURRENT RESOLUTION honoring the Decatur Central Lions Club.

Whereas, Lions Clubs International is the world's largest service club organization with 1.35 million members in more than 46,000 clubs in more than 206 countries and geographic areas;

Whereas, Founded in 1917, the Lions Clubs International is best known for fighting blindness, but members also volunteer

for many different kinds of community projects, including caring for the environment, feeding the hungry, and aiding seniors and the disabled;

Whereas, By conducting vision screenings, equipping hospitals and clinics, distributing medicine, and raising awareness of eye disease, Lions clubs work toward their mission of providing vision for all;

Whereas, Lions clubs have extended their commitment to sight conservation through countless local efforts and through the international SightFirst Program, which is working toward eradicating blindness;

Whereas, Lions clubs support local children and schools through scholarships, recreation, mentoring, and programs such as the Peace Poster Contest, Youth Camps and Exchange, and Lions Quest;

Whereas, The Leo Club Program provides the youth of the world with an opportunity for personal development through volunteering;

Whereas, There are approximately 144,000 Leos and 5,700 Leo clubs in more than 140 countries;

Whereas, With a motto of "We Serve", Lions clubs are part of a global service network doing whatever is necessary to help local communities; and

Whereas, The Decatur Central Lions Club, and Lions clubs everywhere, are working together to make our world a better place: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly wishes to congratulate the Decatur Central Lions Club on the occasion of its 70th anniversary.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to the Decatur Central Lions Club.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator M. Young.

House Concurrent Resolution 78

Representatives Soliday and Moseley introduced House Concurrent Resolution 78:

A CONCURRENT RESOLUTION congratulating the Valparaiso girls gymnastics team.

Whereas, Valparaiso High School's girls gymnastics team captured its second consecutive state championship accumulating 113.100 points at Ball State University's Worthen Arena in Muncie giving the Vikings a state-leading 11th crown in the sport and the sixth in the last eight years;

Whereas, Senior Rushelle Miller won the floor exercise with a score of 9.575;

Whereas, Senior Hanna Wilson won a medal as part of a three-way tie for fifth on floor with a 9.45 score, Sydney Intagliata was fifth on beam with a score of 9.4, and freshman Jenna Algozine took second on uneven bars, scoring 9.55 and tied for fifth in the all-around with Rushelle Miller with a score of 37.625;

Whereas, Coach Lorie Cook credits the team's success to a willingness to buy into an ego-free, team-first mentality; and

Whereas, Outstanding accomplishments such as this deserves special recognition: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly congratulates the Valparaiso High School girls gymnastics team on its victory and to encourage the members to continue to display this level of excellence in all their future endeavors.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to each member of the Valparaiso High School girls gymnastics team and coach Lorie Cook.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Charbonneau.

House Concurrent Resolution 79

Representatives Klinker and Truitt introduced House Concurrent Resolution 79:

A CONCURRENT RESOLUTION recognizing the Art League of the Art Museum of Greater Lafayette.

Whereas, The Art League of the Art Museum of Greater Lafayette was founded in 1965 as the Women's Group of the Lafayette Art Association;

Whereas, The Art League has provided continuous volunteer support to the Art Museum of Greater Lafayette for 50 years;

Whereas, The Art League regularly offers and supports educational and fundraising activities, exhibitions, acquisitions, and programs;

Whereas, The Art League provides members with the opportunity for individual, creative, and artistic experiences and fosters arts and artists in the Greater Lafayette community; and

Whereas, The Art League of the Art Museum of Greater Lafayette is celebrating its 50th anniversary: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly recognizes the Art League of the Art Museum of Greater Lafayette on the occasion of the 50th anniversary of its creation and acknowledges the many years of service to the art community of the Greater Lafayette area.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to the Art League of the Art Museum of Greater Lafayette.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Alting.

House Concurrent Resolution 80

Representatives Porter, Bartlett, C. Brown, Pryor, Shackelford, V. Smith, Summers and Leonard introduced House Concurrent Resolution 80:

A CONCURRENT RESOLUTION urging the Indiana Department of Transportation to name the section of Interstate 70 from Brazil to Indianapolis and the section of Interstate 65 from Seymour to Indianapolis as "The Tuskegee Airmen Highway".

Whereas, The Tuskegee Airmen were a group of dedicated, determined young men who volunteered to become America's first African-American military airmen;

Whereas, Tuskegee University was awarded the United States Army Air Corps contract to help train these brave young men because it had an airfield and a proven civilian pilot training program and because its graduates performed highest on flight aptitude exams;

Whereas, Approximately 1,000 African-American pilots were trained at Tuskegee University between 1941 and 1946;

Whereas, The all African-American 332nd Fighter Group originally consisted of four fighter squadrons - the 99th, the 100th, the 301st, and the 302nd;

Whereas, The 332nd Fighter Group's success in escorting bombers during World War II is a record unmatched by any other fighter group, having one of the lowest loss records of all the escort fighter groups;

Whereas, The Airmen flew more than 700 bomber escort missions and ended the war as the only fighter group to never lose an escorted bomber to enemy fighters;

Whereas, The Fighter Group received numerous awards and citations for their bravery and tenacious fighting ability, including several Presidential Unit Citations;

Whereas, Indiana has a significant connection to the Tuskegee Airmen legacy;

Whereas, Indianapolis native Charles DeBow was a member of the first class of five graduates of the Tuskegee Advanced Flying School, Brazil native Charles Hall was the first African-American military aviator to shoot down an enemy plane in air-to-air combat, and Freeman Field in Seymour was the location of the Freeman Field Mutiny, where more than 100 Tuskegee airmen were arrested for refusing to sign an illegal order of segregation of the officers' club; and

Whereas, Accomplishments such as these deserve special recognition so that all Americans can remember the bravery and courage of the Tuskegee Airmen in the face of great personal danger: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly recognizes the many contributions made by the Tuskegee Airmen during World War II and to perpetuate the history of African-Americans who participated in air crew, ground crew, and operations support training in the Army Air Corps urges the naming of the section of Interstate 70 from Brazil to Indianapolis and the section of Interstate 65 from Seymour to Indianapolis as "The Tuskegee Airmen Highway".

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to Reginald A. DuValle, president of the Indianapolis Chapter of Tuskegee Airmen, Inc., and the commissioner of the Indiana Department of Transportation.

The resolution was read a first time and referred to the Committee on Roads and Transportation.

House Concurrent Resolution 81

Representatives Pryor, Bartlett, C. Brown, Shackelford, V. Smith, Summers, Porter and Baird introduced House Concurrent Resolution 81:

A CONCURRENT RESOLUTION celebrating the 100th birthday of Elsie P. Clay Wood.

Whereas, Elsie P. Clay Wood celebrated her 100th birthday on March 3, 2015, in Indianapolis, Indiana, the city of her birth;

Whereas, A 1933 graduate of Crispus Attucks High School, Elsie Clay Wood served her country loyally as a clerk typist in the Women's Army Corps from 1943 to 1945;

Whereas, After returning from the service, Elsie worked briefly at Naval Avionics;

Whereas, After leaving Naval Avionics, Elsie attended the Madame C. J. Walker Beauty School where she obtained her beauty license and began working at the Fairfield Beauty Shop;

Whereas, Elsie returned to government service with her employment at the General Services Administration where she worked until her retirement in 1980;

Whereas, On November 11, 1941, Elsie married Earl L. Wood, a United States Army veteran; and

Whereas, It is a joy to celebrate the 100th birthday of a lady whose life has had such a positive influence on her community, her state, and her country: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly congratulates Elsie P. Clay Wood on the occasion of her 100th birthday and trusts that she will celebrate many more birthdays in the years to come.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to Elsie Clay Wood and her family.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsors: Senators Rogers, Breaux and Taylor.

ENGROSSED SENATE BILLS ON SECOND READING

Pursuant to House Rule 143.1, the following bills which had no amendments filed, were read a second time by title and ordered engrossed: Engrossed Senate Bills 168, 207, 217, 317, 327, 408, 450, 463 and 524.

Representative Friend, who had been present, is now excused.

ENGROSSED SENATE BILLS ON THIRD READING

Engrossed Senate Bill 8

Representative Cox called down Engrossed Senate Bill 8 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 398: yeas 93, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 282

Representative Wesco called down Engrossed Senate Bill 282 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning property.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 399: yeas 93, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 441

Representative Huston called down Engrossed Senate Bill 441 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 400: yeas 88, nays 6. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 528

Representative Lehman called down Engrossed Senate Bill 528 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 401: yeas 95, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 559

Representative Frizzell called down Engrossed Senate Bill 559 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 402: yeas 96, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 567

Representative Truitt called down Engrossed Senate Bill 567 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 403: yeas 96, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 4:15 p.m.

Upon request of Representative Fine, the Speaker ordered the roll of the House to be called to determine the presence or absence of a quorum. Roll Call 404: 68 present. The Speaker declared a quorum present.

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 66

Representatives Frye and Macer introduced House Concurrent Resolution 66:

A CONCURRENT RESOLUTION recognizing Indiana motorsports.

Whereas, The motorsports industry has helped to put Indiana front and center in the racing world based on the fact that some of the world's premier motorsports attractions are hosted at the Indianapolis Motor Speedway;

Whereas, The motorsports industry has stimulated economic growth in our state using the abundant talent and resources available to the industry in Indiana;

Whereas, Motorsports attract millions of visitors to our state annually bringing with them additional dollars that flow into our economy;

Whereas, Known as the "Racing Capital of the World", Indiana has a long heritage of racing enthusiasts and a love of the sport that will never die;

Whereas, More than 1,600 motorsports companies are based in Indiana, including racing teams, manufacturers, and service companies that represent every area of motorsports, including many of the nation's top professional racing teams;

Whereas, The motorsports industry touches all 92 counties of Indiana and is indirectly responsible for over 421,000 jobs while the cluster directly employs over 23,000 individuals in the state and pays an average wage of nearly \$63,000;

Whereas, Beyond racetracks, there are race teams, fabricators, manufacturers, research and development firms, welding companies, suppliers, marketing and public relations firms, and service providers who compose the whole of the motorsports footprint in the state;

Whereas, Founded by Carl G. Fisher, James A. Allison, Arthur C. Newby, and Frank H. Wheeler, the Indianapolis Motor Speedway became the world's greatest race course and serves as the centerpiece of the motorsports industry in Indiana; and

Whereas, It is Indiana's goal to continue to develop strong, lasting relationships among the racing community and the business community, government, and educational institutions: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly acknowledge the many contributions of the motorports industry in Indiana and the hours of enjoyment it has given to Hoosiers.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Pete Miller.

ENGROSSED SENATE BILLS ON SECOND READING

Engrossed Senate Bill 27

Representative Smaltz called down Engrossed Senate Bill 27 for second reading. The bill was read a second time by title.

There being no amendments, the bill was ordered engrossed.

Representatives Wolkins and Goodin, who had been present, are now excused.

Engrossed Senate Bill 65

Representative Koch called down Engrossed Senate Bill 65 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 65-1)

Mr. Speaker: I move that Engrossed Senate Bill 65 be amended to read as follows:

Page 5, line 25, strike "the death of the decedent;"

Page 5, line 25, delete "or".

(Reference is to ESB 65 as printed April 10, 2015.)

KOCH

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 1

Representative McMillin called down Engrossed Senate Bill 1 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 1-14)

Mr. Speaker: I move that Engrossed Bill 1 be amended to read as follows:

Page 4, line 10, after "chairperson" insert "**and vice chairperson**".

Page 4, line 15, after "chairperson" insert "**and vice chairperson**".

(Reference is to ESB 1 as printed April 10, 2015.)

SMITH, M.

Motion prevailed.

HOUSE MOTION (Amendment 1-9)

Mr. Speaker: I move that Engrossed Senate Bill 1 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 3-5-2-48 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 48. "State office" refers to **the following offices:**

(1) **The** governor.

(2) **The** lieutenant governor.

(3) **The** secretary of state.

(4) **The** auditor of state.

(5) **The** treasurer of state.

(6) **The** superintendent of public instruction.

(7) **The** attorney general.

(8) **A** justice of the supreme court.

(9) **A** judge of the court of appeals. **and**

(10) **A** judge of the tax court.

(11) **For purposes of each election after December 31, 2015, a member of the Indiana state board of education.**

SECTION 2. IC 3-8-1-33, AS AMENDED BY P.L.90-2012, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 33. (a) A candidate for an office listed in subsection (b) must file a statement of economic interests.

(b) Whenever a candidate for any of the following offices is also required to file a declaration of candidacy or is nominated by petition, the candidate shall file a statement of economic interests before filing the declaration of candidacy or declaration of intent to be a write-in candidate, before the petition of nomination is filed, before the certificate of nomination is filed, or before being appointed to fill a candidate vacancy under IC 3-13-1 or IC 3-13-2:

(1) Governor, lieutenant governor, secretary of state,

auditor of state, treasurer of state, attorney general, **member of the Indiana state board of education**, and state superintendent of public instruction, in accordance with IC 4-2-6-8.

(2) Senator and representative in the general assembly, in accordance with IC 2-2.1-3-2.

(3) Justice of the supreme court, judge of the court of appeals, judge of the tax court, judge of a circuit court, judge of a superior court, judge of a probate court, and prosecuting attorney, in accordance with IC 33-23-11-14 and IC 33-23-11-15.

(4) A candidate for a local office or school board office, in accordance with IC 3-8-9, except a candidate for a local office described in subdivision (3).

SECTION 3. IC 3-8-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2. (a) A political party shall conduct a state convention to nominate the candidates of the political party for the following offices to be voted on at the next general election:

- (1) Lieutenant governor.
- (2) Secretary of state.
- (3) Auditor of state.
- (4) Treasurer of state.
- (5) Attorney general.
- (6) Superintendent of public instruction.
- (7) **Member of the Indiana state board of education.**

(b) The convention shall also:

- (1) nominate candidates for presidential electors and alternate electors; and
- (2) elect the delegates and alternate delegates to the national convention of the political party.

SECTION 4. IC 3-10-2-6, AS AMENDED BY P.L.230-2005, SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 6. The following public officials shall be elected in ~~2008~~ **2016** and every four (4) years thereafter:

- (1) Governor.
- (2) Lieutenant governor.
- (3) Attorney general.
- (4) Superintendent of public instruction.
- (5) **The five (5) members of the Indiana state board of education whose term of office begins the following January 1. However, at the 2016 general election, nine (9) members of the Indiana state board of education shall be elected as provided in IC 20-19-2-2.4.**

SECTION 5. IC 3-10-2-7, AS AMENDED BY P.L.230-2005, SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 7. The following public officials shall be elected in ~~2006~~ **2014** and every four (4) years thereafter:

- (1) Secretary of state.
- (2) Auditor of state.
- (3) Treasurer of state.
- (4) **Beginning with the 2018 general election, the four (4) members of the Indiana state board of education whose term of office begins the following January 1.**

SECTION 6. IC 3-11-2-12, AS AMENDED BY P.L.77-2014, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: : Sec. 12. The following offices shall be placed on the general election ballot in the following order after the public questions described in section 10(a) of this chapter:

- (1) Federal and state offices:
 - (A) President and Vice President of the United States.
 - (B) United States Senator.
 - (C) Governor and lieutenant governor.
 - (D) Secretary of state.
 - (E) Auditor of state.
 - (F) Treasurer of state.
 - (G) Attorney general.

(H) Superintendent of public instruction.

(I) United States Representative.

(J) Member of the Indiana state board of education.

(2) Legislative offices:

- (A) State senator.
- (B) State representative.

(3) Circuit offices and county judicial offices:

- (A) Judge of the circuit court, and unless otherwise specified under IC 33, with each division separate if there is more than one (1) judge of the circuit court.
- (B) Judge of the superior court, and unless otherwise specified under IC 33, with each division separate if there is more than one (1) judge of the superior court.
- (C) Judge of the probate court.
- (D) Prosecuting attorney.
- (E) Clerk of the circuit court.

(4) County offices:

- (A) County auditor.
- (B) County recorder.
- (C) County treasurer.
- (D) County sheriff.
- (E) County coroner.
- (F) County surveyor.
- (G) County assessor.
- (H) County commissioner. This clause applies only to a county that is not subject to IC 36-2-2.5.
- (I) Single county executive. This clause applies only to a county that is subject to IC 36-2-2.5.
- (J) County council member.

(5) Township offices:

- (A) Township assessor (only in a township referred to in IC 36-6-5-1(d)).
- (B) Township trustee.
- (C) Township board member.
- (D) Judge of the small claims court.
- (E) Constable of the small claims court.

(6) City offices:

- (A) Mayor.
- (B) Clerk or clerk-treasurer.
- (C) Judge of the city court.
- (D) City-county council member or common council member.

(7) Town offices:

- (A) Clerk-treasurer.
- (B) Judge of the town court.
- (C) Town council member.

SECTION 7. IC 4-2-6-1, AS AMENDED BY P.L.114-2012, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1. (a) As used in this chapter, and unless the context clearly denotes otherwise:

- (1) "Advisory body" means an authority, a board, a commission, a committee, a task force, or other body designated by any name of the executive department that is authorized only to make nonbinding recommendations.
- (2) "Agency" means an authority, a board, a branch, a bureau, a commission, a committee, a council, a department, a division, an office, a service, or other instrumentality of the executive, including the administrative, department of state government. The term includes a body corporate and politic set up as an instrumentality of the state and a private, nonprofit, government related corporation. The term does not include any of the following:
 - (A) The judicial department of state government.
 - (B) The legislative department of state government.
 - (C) A state educational institution.
 - (D) A political subdivision.
- (3) "Appointing authority" means the following:
 - (A) Except as provided in clause (B), the chief administrative officer of an agency. The term does not

include a state officer.

(B) For purposes of section 16 of this chapter, "appointing authority" means:

- (i) an elected officer;
- (ii) the chief administrative officer of an agency; or
- (iii) an individual or group of individuals who have the power by law or by lawfully delegated authority to make appointments.

(4) "Assist" means to:

- (A) help;
- (B) aid;
- (C) advise; or
- (D) furnish information to;

a person. The term includes an offer to do any of the actions in clauses (A) through (D).

(5) "Business relationship" includes the following:

- (A) Dealings of a person with an agency seeking, obtaining, establishing, maintaining, or implementing:
 - (i) a pecuniary interest in a contract or purchase with the agency; or
 - (ii) a license or permit requiring the exercise of judgment or discretion by the agency.
- (B) The relationship a lobbyist has with an agency.
- (C) The relationship an unregistered lobbyist has with an agency.

(6) "Commission" refers to the state ethics commission created under section 2 of this chapter.

(7) "Compensation" means any money, thing of value, or financial benefit conferred on, or received by, any person in return for services rendered, or for services to be rendered, whether by that person or another.

(8) "Direct line of supervision" means the chain of command in which the superior affects, or has the authority to affect, the terms and conditions of the subordinate's employment, including making decisions about work assignments, compensation, grievances, advancements, or performance evaluation.

(9) "Employee" means an individual, other than a state officer, who is employed by an agency on a full-time, a part-time, a temporary, an intermittent, or an hourly basis. The term includes an individual who contracts with an agency for personal services.

(10) "Employer" means any person from whom a state officer or employee or the officer's or employee's spouse received compensation. For purposes of this chapter, a customer or client of a self-employed individual in a sole proprietorship or a professional practice is not considered to be an employer.

(11) "Financial interest" means an interest:

- (A) in a purchase, sale, lease, contract, option, or other transaction between an agency and any person; or
- (B) involving property or services.

The term includes an interest arising from employment or prospective employment for which negotiations have begun. The term does not include an interest of a state officer or employee in the common stock of a corporation unless the combined holdings in the corporation of the state officer or the employee, that individual's spouse, and that individual's unemancipated children are more than one percent (1%) of the outstanding shares of the common stock of the corporation. The term does not include an interest that is not greater than the interest of the general public or any state officer or any state employee.

(12) "Information of a confidential nature" means information:

- (A) obtained by reason of the position or office held; and
- (B) which:
 - (i) a public agency is prohibited from disclosing under IC 5-14-3-4(a);

(ii) a public agency has the discretion not to disclose under IC 5-14-3-4(b) and that the agency has not disclosed; or

(iii) is not in a public record, but if it were, would be confidential.

(13) "Person" means any individual, proprietorship, partnership, unincorporated association, trust, business trust, group, limited liability company, or corporation, whether or not operated for profit, or a governmental agency or political subdivision.

(14) "Political subdivision" means a county, city, town, township, school district, municipal corporation, special taxing district, or other local instrumentality. The term includes an officer of a political subdivision.

(15) "Property" has the meaning set forth in IC 35-31.5-2-253.

(16) "Relative" means any of the following:

- (A) A spouse.
- (B) A parent or stepparent.
- (C) A child or stepchild.
- (D) A brother, sister, stepbrother, or stepsister.
- (E) A niece or nephew.
- (F) An aunt or uncle.
- (G) A daughter-in-law or son-in-law.

For purposes of this subdivision, an adopted child of an individual is treated as a natural child of the individual. For purposes of this subdivision, the terms "brother" and "sister" include a brother or sister by the half blood.

(17) "Represent" means to do any of the following on behalf of a person:

- (A) Attend an agency proceeding.
- (B) Write a letter.
- (C) Communicate with an employee of an agency.

(18) "Special state appointee" means a person who is:

- (A) not a state officer or employee; and
- (B) elected or appointed to an authority, a board, a commission, a committee, a council, a task force, or other body designated by any name that:
 - (i) is authorized by statute or executive order; and
 - (ii) functions in a policy or an advisory role in the executive (including the administrative) department of state government, including a separate body corporate and politic.

(19) "State officer" means any of the following:

- (A) The governor.
- (B) The lieutenant governor.
- (C) The secretary of state.
- (D) The auditor of state.
- (E) The treasurer of state.
- (F) The attorney general.
- (G) The superintendent of public instruction.

(H) Beginning January 1, 2017, a member of the Indiana state board of education.

(20) The masculine gender includes the masculine and feminine.

(21) The singular form of any noun includes the plural wherever appropriate.

(b) The definitions in IC 4-2-7 apply throughout this chapter.

SECTION 8. IC 4-2-6-8, AS AMENDED BY P.L.23-2011, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 8. (a) The following persons shall file a written financial disclosure statement:

(1) The following:

- (A) The governor.
- (B) The lieutenant governor.
- (C) The secretary of state.
- (D) The auditor of state.
- (E) The treasurer of state.
- (F) The attorney general. ~~and~~
- (G) The state superintendent of public instruction.

(H) Beginning January 1, 2017, a member of the Indiana state board of education. A candidate for election to be a member of the Indiana state board of education at the 2016 general election shall also file a written financial disclosure statement as provided in this section.

- (2) Any candidate for one (1) of the offices in subdivision (1) who is not the holder of one (1) of those offices.
 - (3) Any person who is the appointing authority of an agency.
 - (4) The director of each division of the department of administration.
 - (5) Any purchasing agent within the procurement division of the department of administration.
 - (6) Any agency employee, special state appointee, former agency employee, or former special state appointee with final purchasing authority.
 - (7) The chief investment officer employed by the Indiana public retirement system.
 - (8) Any employee of the Indiana public retirement system whose duties include the recommendation, selection, and management of:
 - (A) the investments of the funds administered by the Indiana public retirement system;
 - (B) the investment options offered in the annuity savings accounts in the public employees' retirement fund and the Indiana state teachers' retirement fund;
 - (C) the investment options offered in the legislators' defined contribution plan; or
 - (D) investment managers, investment advisors, and other investment service providers of the Indiana public retirement system.
 - (9) An employee required to do so by rule adopted by the inspector general.
 - (b) The statement shall be filed with the inspector general as follows:
 - (1) Not later than February 1 of every year, in the case of the state officers and employees enumerated in subsection (a).
 - (2) If the individual has not previously filed under subdivision (1) during the present calendar year and is filing as a candidate for a state office listed in subsection (a)(1), before filing a declaration of candidacy under IC 3-8-2 or IC 3-8-4-11, petition of nomination under IC 3-8-6, or declaration of intent to be a write-in candidate under IC 3-8-2-2.5, or before a certificate of nomination is filed under IC 3-8-7-8, in the case of a candidate for one (1) of the state offices (unless the statement has already been filed when required under IC 3-8-4-11).
 - (3) Not later than sixty (60) days after employment or taking office, unless the previous employment or office required the filing of a statement under this section.
 - (4) Not later than thirty (30) days after leaving employment or office, unless the subsequent employment or office requires the filing of a statement under this section.
- The statement must be made under affirmation.
- (c) The statement shall set forth the following information for the preceding calendar year or, in the case of a state officer or employee who leaves office or employment, the period since a previous statement was filed:
- (1) The name and address of any person known:
 - (A) to have a business relationship with the agency of the state officer or employee or the office sought by the candidate; and
 - (B) from whom the state officer, candidate, or the employee, or that individual's spouse or unemancipated children received a gift or gifts having a total fair market value in excess of one hundred dollars (\$100).
 - (2) The location of all real property in which the state

officer, candidate, or the employee or that individual's spouse or unemancipated children has an equitable or legal interest either amounting to five thousand dollars (\$5,000) or more or comprising ten percent (10%) of the state officer's, candidate's, or the employee's net worth or the net worth of that individual's spouse or unemancipated children. An individual's primary personal residence need not be listed, unless it also serves as income property.

(3) The names and the nature of the business of the employers of the state officer, candidate, or the employee and that individual's spouse.

(4) The following information about any sole proprietorship owned or professional practice operated by the state officer, candidate, or the employee or that individual's spouse:

(A) The name of the sole proprietorship or professional practice.

(B) The nature of the business.

(C) Whether any clients are known to have had a business relationship with the agency of the state officer or employee or the office sought by the candidate.

(D) The name of any client or customer from whom the state officer, candidate, employee, or that individual's spouse received more than thirty-three percent (33%) of the state officer's, candidate's, employee's, or that individual's spouse's nonstate income in a year.

(5) The name of any partnership of which the state officer, candidate, or the employee or that individual's spouse is a member and the nature of the partnership's business.

(6) The name of any corporation (other than a church) of which the state officer, candidate, or the employee or that individual's spouse is an officer or a director and the nature of the corporation's business.

(7) The name of any corporation in which the state officer, candidate, or the employee or that individual's spouse or unemancipated children own stock or stock options having a fair market value in excess of ten thousand dollars (\$10,000). However, if the stock is held in a blind trust, the name of the administrator of the trust must be disclosed on the statement instead of the name of the corporation. A time or demand deposit in a financial institution or insurance policy need not be listed.

(8) The name and address of the most recent former employer.

(9) Additional information that the person making the disclosure chooses to include.

Any such state officer, candidate, or employee may file an amended statement upon discovery of additional information required to be reported.

(d) A person who:

(1) fails to file a statement required by rule or this section in a timely manner; or

(2) files a deficient statement;

upon a majority vote of the commission, is subject to a civil penalty at a rate of not more than ten dollars (\$10) for each day the statement remains delinquent or deficient. The maximum penalty under this subsection is one thousand dollars (\$1,000).

(e) A person who intentionally or knowingly files a false statement commits a Class A infraction.

SECTION 9. IC 4-3-6-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2. As used in The following definitions apply throughout this chapter:

(1) "Agency" means any executive or administrative department, commission, council, board, bureau, division, service, office, officer, administration, or other establishment in the executive or administrative branch of the state government not provided for by the constitution. The term "Agency" does not include the following:

- (A) The secretary of state.
- (B) The auditor of state.

- (C) The treasurer of state.
- (D) The lieutenant governor.
- (E) The state superintendent of public instruction. ~~and~~
- (F) The attorney general. ~~nor~~
- (G) **A member of the Indiana state board of education.**

(H) The departments of which ~~they~~ **any of the officers listed in clauses (A) through (G)** are, by the statutes first adopted setting out their duties, the administrative heads.

(2) "Reorganization" means:

- (A) the transfer of the whole or any part of any agency, or of the whole or any part of the functions thereof, to the jurisdiction and control of any other agency;
- (B) the abolition of all or any part of the functions of any agency;
- (C) the consolidation or coordination of the whole or any part of any agency, or of the whole or any part of the functions thereof, with the whole or any part of any other agency or the functions thereof;
- (D) the consolidation or coordination of any part of any agency or the functions thereof with any other part of the same agency or the functions thereof;
- (E) the authorization of any officer to delegate any of ~~his~~ **the officer's** functions; or
- (F) the abolition of the whole or any part of any agency which agency or part does not have, or upon the taking effect of a reorganization plan will not have, any functions.

SECTION 10. IC 5-8-3.5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1. (a) An officer who wants to resign shall give written notice of the officer's resignation as follows:

- (1) The governor and lieutenant governor shall notify the principal clerk of the house of representatives and the principal secretary of the senate to act in accordance with Article 5, Section 10 of the Constitution of the State of Indiana. The clerk and the secretary shall file a copy of the notice with the office of the secretary of state.
- (2) A member of the general assembly shall notify the following, whichever applies:
 - (A) A member of the senate shall notify the president pro tempore of the senate.
 - (B) A member of the house of representatives shall notify the speaker of the house of representatives.
- (3) The following officers ~~commissioned by the governor under IC 4-3-1-5~~ shall notify the governor:
 - (A) An elector or alternate elector for President and Vice President of the United States.
 - (B) **The following officers:**
 - (i) ~~The~~ **The** secretary of state.
 - (ii) ~~The~~ **The** auditor of state.
 - (iii) ~~The~~ **The** treasurer of state.
 - (iv) ~~The~~ **The** superintendent of public instruction. ~~or~~
 - (v) ~~The~~ **The** attorney general.
 - (vi) **After December 31, 2016, a member of the Indiana state board of education.**

(C) An officer elected by the general assembly, the senate, or the house of representatives.

(D) A justice of the Indiana supreme court, judge of the Indiana court of appeals, or judge of the Indiana tax court.

(E) A judge of a circuit, city, county, probate, superior, town, or township small claims court.

(F) A prosecuting attorney.

(G) A circuit court clerk.

(H) A county auditor, county recorder, county treasurer, county sheriff, county coroner, or county surveyor.

(4) An officer of a political subdivision (as defined by IC 36-1-2-13) other than an officer listed in subdivision

(3) shall notify the circuit court clerk of the county containing the largest percentage of population of the political subdivision.

(5) An officer not listed in subdivisions (1) through (4) shall notify the person or entity from whom the officer received the officer's appointment.

(b) A person or an entity that receives notice of a resignation and does not have the power to fill the vacancy created by the resignation shall, not later than seventy-two (72) hours after receipt of the notice of resignation, give notice of the vacancy to the person or entity that has the power to:

(1) fill the vacancy; or

(2) call a caucus for the purpose of filling the vacancy."

Page 2, delete lines 6 through 42, begin a new paragraph and insert:

"SECTION 11. IC 20-18-2-19, AS ADDED BY P.L.1-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 19. "State board" refers to the Indiana state board of education established by:

(1) before January 1, 2017, IC 20-19-2-2; and

(2) after December 31, 2016, IC 20-19-2-2.1.

SECTION 12. IC 20-19-2-2, AS ADDED BY P.L.1-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2. (a) The Indiana state board of education is established. The state board consists of:

(1) the state superintendent; and

(2) ten (10) members appointed by the governor.

(b) The following provisions apply to members of the state board appointed by the governor:

(1) At least four (4) of the members must be actively employed in the schools in Indiana and hold a valid teaching license.

(2) At least one (1) member must be appointed from each congressional district in Indiana.

(3) Not more than six (6) members of the state board may be appointed from the membership of any one (1) political party.

(4) The term of office of a member begins on July 1. Except as provided in subdivision (5), the term of office of a member is four (4) years.

(5) The governor may dismiss a member for just cause.

(6) The governor may appoint a member to fill a vacancy occurring on the state board. A member appointed under this subdivision serves for the remainder of the unexpired term.

(c) A quorum consists of six (6) members of the state board. An action of the state board is not official unless the action is authorized by at least six (6) members.

(d) The state superintendent serves as chairperson of the state board.

(e) This section expires January 1, 2017.

SECTION 13. IC 20-19-2-2.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 2.1. (a) This section applies beginning January 1, 2017."**

Page 3, delete lines 19 through 42, begin a new paragraph and insert:

"SECTION 14. IC 20-19-2-2.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 2.2. (a) Beginning January 1, 2017, the state board consists of the following:**

(1) The state superintendent.

(2) Nine (9) members elected as provided in section 2.3 of this chapter.

(b) A quorum consists of six (6) members of the state board. An action of the state board is not official unless the action is authorized by at least six (6) members.

(c) The state superintendent serves as the chair of the state board.

SECTION 15. IC 20-19-2-2.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 2.3. (a) This section does not apply to the state superintendent.**

(b) Beginning with the 2016 general election, one (1) member of the state board shall be elected from each state board election district as provided in this chapter.

(c) Each congressional district established under IC 3-3 is a state board election district.

(d) A member of the state board serves a term of four (4) years, beginning January 1 after the member's election.

(e) The governor shall appoint an individual to fill a vacancy that occurs on the state board. An individual appointed by the governor under this subsection serves for the remainder of the unexpired term.

(f) Each member of the state board shall take and subscribe to an oath in writing that the member will:

- (1) faithfully perform the duties of the office; and**
- (2) support and defend to the best of the member's abilities:**

(A) the Constitution of the United States; and

(B) the Constitution of the State of Indiana and the laws of the state of Indiana.

Each state board member's oath shall be filed with the secretary of state.

SECTION 16. IC 20-19-2-2.4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 2.4. (a) This section does not apply to the state superintendent.**

(b) Notwithstanding section 2(b) of this chapter, the term of office of a member of the state board serving under section 2 of this chapter expires January 1, 2017.

(c) A member of the state board shall be elected from each state board election district at the 2016 general election.

(d) Notwithstanding section 2.3(d) of this chapter, the term of office of each member elected at the 2016 general election is as follows:

(1) The five (5) members who receive the first, second, third, fourth, and fifth highest vote totals of all the members elected to the commission at the 2016 general election each serve a four (4) year term, beginning January 1, 2017. The successors of the members described in this subdivision shall be elected at the 2020 general election, and each serves a four (4) year term, beginning January 1, 2021.

(2) The four (4) members who receive the sixth, seventh, eighth, and ninth highest vote totals of all the members elected to the commission at the 2016 general election each serve a two (2) year term, beginning January 1, 2017. The successors of the members described in this subdivision shall be elected at the 2018 general election, and each serves a four (4) year term, beginning January 1, 2019.

(e) This section expires January 1, 2022."

Page 4, delete lines 1 through 25.

Page 4, line 26, delete "IC 20-19-2-2.3" and insert "IC 20-19-2-2.5".

Page 4, line 28, delete "UPON PASSAGE" and insert "JULY 1, 2015".

Page 4, line 28, delete "June 30, 2015," and insert "**December 31, 2016,**".

Page 4, line 32, delete "June 30, 2015," and insert "**December 31, 2016,**".

Page 4, line 33, delete "July 1, 2015)" and insert "**January 1, 2017)**".

Page 4, line 37, delete "July 1, 2015" and insert "**January 1, 2017**".

Page 4, line 38, delete "July 1, 2015" and insert "**January 1, 2017**".

Page 4, line 42, delete "July 1, 2015)" and insert "**January 1, 2017)**".

Page 4, line 42, delete "July 1, 2015," and insert "**January 1, 2017,**".

Page 5, line 1, delete "June 30, 2015," and insert "**December 31, 2016,**".

Page 5, line 7, delete "July 1, 2015," and insert "**January 1, 2017,**".

Page 5, line 7, delete "July 1, 2015)" and insert "**January 1, 2017)**".

Page 5, line 9, delete "June 30, 2015," and insert "**December 31, 2016,**".

Page 5, delete lines 10 through 25.

Renumber all SECTIONS consecutively.

(Reference is to ESB 1 as printed April 10, 2015.)

SMITH, V.

Upon request of Representatives Pelath and Porter, the Speaker ordered the roll of the House to be called. Roll Call 405: yeas 27, nays 67. Motion failed.

HOUSE MOTION

(Amendment 1-2)

Mr. Speaker: I move that Engrossed Senate Bill 1 be amended to read as follows:

Page 3, delete lines 24 through 40, begin a new line block indented and insert:

"(2) Four (4) members appointed by the governor. At least two (2) members appointed under this subdivision must have professional experience in the field of education as provided in subsection (b).

(3) Four (4) members, who are not members of the general assembly, selected in the following manner:

"(A) One (1) member who has professional experience in the field of education appointed by the speaker of the house of representatives.

(B) One (1) member who has professional experience in the field of education appointed by the minority floor leader of the house of representatives.

(C) One (1) member who has professional experience in the field of education appointed by the president pro tempore of the senate.

(D) One (1) member who has professional experience in the field of education appointed by the minority floor leader of the senate."

Page 4, line 7, delete "seven (7)" and insert "**five (5)**".

Page 4, line 9, delete "seven (7)" and insert "**five (5)**".

Page 4, delete lines 10 through 16, begin a new paragraph and insert:

"(d) The state superintendent shall serve as chairperson of the state board."

Page 4, line 17, delete "(f)" and insert "**(e)**".

Page 4, line 17, delete "(g)" and insert "**(f)**".

Page 4, line 18, delete "(a)(4)" and insert "**(a)(3)**".

Page 4, line 20, delete "(g)" and insert "**(f)**".

Page 4, line 20, delete "(a)(4)" and insert "**(a)(3)**".

Page 5, line 20, after "representatives" insert "**and minority floor leader of the house of representatives**".

Page 5, line 23, delete "under IC 20-19-2-2.2(a)(4)," and insert "**and the minority floor leader of the senate under IC 20-19-2-2.2(a)(3),**".

(Reference is to ESB 1 as printed April 10, 2015.)

SMITH, V.

Upon request of Representatives Pelath and Porter, the Speaker ordered the roll of the House to be called. Roll Call 406: yeas 27, nays 67. Motion failed.

HOUSE MOTION

(Amendment 1-6)

Mr. Speaker: I move that Engrossed Senate Bill 1 be amended to read as follows:

Page 3, delete lines 24 through 40, begin a new line block indented and insert:

"(2) Nine (9) members appointed by the governor, with one (1) member appointed from each congressional district in Indiana who is recommended by the superintendents of school corporations located in the particular congressional district. School superintendents representing each school corporation in the particular congressional district shall, at the call of the governor, meet and recommend three (3) individuals to the governor. For purposes of this subdivision, in instances where a school corporation may be included in two (2) or more congressional districts, the school corporation is considered to be in the congressional district in which the majority of the school corporation's students reside."

Page 4, line 7, delete "seven (7)" and insert "six (6)".

Page 4, line 9, delete "seven (7)" and insert "six (6)".

Page 4, delete lines 10 through 16, begin a new paragraph and insert:

"(d) The state superintendent shall serve as chairperson of the state board."

Page 4, line 17, delete "(f)" and insert "(e)".

Page 4, line 18, delete "through (a)(4)".

Page 4, line 20, delete "(g)" and insert "(f)".

Page 4, line 20, delete "through (a)(4)".

Page 4, line 21, delete "member's appointing" and insert **"governor"**.

Page 4, line 22, delete "authority".

Page 4, line 23, delete "member's appointing authority." and insert **"governor."**

Page 4, line 24, delete "an appointing authority" and insert **"the governor"**.

Page 5, delete lines 10 through 25.

Renumber all SECTIONS consecutively.

(Reference is to ESB 1 as printed April 10, 2015.)

SMITH, V.

Upon request of Representatives Pelath and Lawson, the Speaker ordered the roll of the House to be called. Roll Call 407: yeas 27, nays 67. Motion failed.

HOUSE MOTION (Amendment 1-8)

Mr. Speaker: I move that Engrossed Senate Bill 1 be amended to read as follows:

Page 4, line 10, delete "The" and insert **"After January 1, 2017, the"**.

Page 4, line 13, delete "initial".

Page 4, line 13, delete "at the first" and insert **"until the first meeting held after January 1, 2017. At the first meeting held after January 1, 2017, the state superintendent shall serve as the chairperson for the purpose of electing a chairperson under subsection (d). This subsection expires July 1, 2017."**

Page 4, delete lines 14 through 16.

(Reference is to ESB 1 as printed April 10, 2015.)

SMITH, V.

Upon request of Representatives Pelath and Porter, the Speaker ordered the roll of the House to be called. Roll Call 408: yeas 36, nays 57. Motion failed. The bill was ordered engrossed.

Engrossed Senate Bill 98

Representative Smaltz called down Engrossed Senate Bill 98 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 98-2)

Mr. Speaker: I move that Engrossed Senate Bill 98 be amended to read as follows:

Page 2, between lines 18 and 19, begin a new paragraph and

insert:

"SECTION 4. IC 34-12-3-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) If a court finds that a party has brought an action under a theory of recovery described in section 3(1) or 3(2) of this chapter, the finding constitutes conclusive evidence that the action is groundless. If a court makes a finding under this section, the court shall dismiss the claims or action and award to the defendant any reasonable attorney's fee and costs incurred in defending the claims or action.

(b) If:

(1) a party has brought an action under a theory of recovery described in section 3(1) or 3(2) of this chapter;

(2) the action commenced on or before August 27, 1999; and

(3) the action is dismissed;

no award for attorney's fees or costs incurred shall issue to the plaintiff or the defendant."

Renumber all SECTIONS consecutively.

(Reference is to ESB 98 as printed April 7, 2015.)

SMALTZ

Upon request of Representatives Mahan and Truitt, the Speaker ordered the roll of the House to be called. Roll Call 409: yeas 75, nays 19. Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 166

Representative Frizzell called down Engrossed Senate Bill 166 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 166-2)

Mr. Speaker: I move that Engrossed Senate Bill 166 be amended to read as follows:

Page 2, between lines 35 and 36, begin a new line block indented and insert:

"(5) Funding to conduct a program consisting of a trial of hyperbaric oxygen therapy for up to one hundred (100) Indiana veterans with an Indiana domicile. The department of veterans' affairs and the state health department shall work together and collaborate with any entities they consider necessary to design and implement the parameters of the program and evaluation of the program. If money is transferred to the fund from the Medicaid contingency and reserve account of the state general fund (IC 4-12-1-15.5) by the state board of finance, that money shall be segregated into a separate account within the fund and may be used only for the program."

Page 2, line 36, delete "(5)" and insert **"(6)"**.

Page 5, after line 27, begin a new paragraph and insert:

"SECTION 5. [EFFECTIVE JULY 1, 2015] (a) After July 1, 2015, and before January 1, 2016, the state board of finance may transfer from the Medicaid contingency and reserve account of the state general fund (IC 4-12-1-15.5) to the spinal cord and brain injury fund (IC 16-41-42.2-3) two million dollars (\$2,000,000), to be segregated into a separate account within the fund that may be used only for a program consisting of a trial of hyperbaric oxygen therapy described in IC 16-41-42.2-4(5).

(b) This SECTION expires July 1, 2017."

(Reference is to ESB 166 as printed April 10, 2015.)

PORTER

Motion failed. The bill was ordered engrossed.

Engrossed Senate Bill 267

Representative Behning called down Engrossed Senate Bill 267 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed Senate Bill 312

Representative Koch called down Engrossed Senate Bill 312 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 312-1)

Mr. Speaker: I move that Engrossed Senate Bill 312 be amended to read as follows:

Page 1, between lines 4 and 5, begin a new paragraph and insert:

"SECTION 2. IC 13-11-2-2.3 IS ADDED TO THE INDIANA CODE A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2.3. "Agribusiness", for purposes of IC 13-18-5.5, has the meaning set forth in IC 13-18-5.5-2."**

Page 1, line 9, delete "IC 13-18-5.5-2." and insert "**IC 13-18-5.5-3."**

Page 2, line 9, delete "IC 13-18-5.5-3." and insert "**IC 13-18-5.5-5."**

Page 2, line 26, delete "IC 13-18-5.5-4." and insert "**IC 13-18-5.5-6."**

Page 2, line 42, delete "IC 13-18-5.5-5." and insert "**IC 13-18-5.5-7."**

Page 3, between lines 29 and 30, begin a new paragraph and insert:

"**Sec. 2. As used in this chapter, "agribusiness" means a business that is primarily engaged in:**

- (1) the distribution of farm equipment and supplies; or**
- (2) the processing, storage, and distribution of farm commodities."**

Page 3, line 30, delete "2." and insert "**3."**

Page 4, line 29, delete "3." and insert "**4."**

Page 4, line 31, delete "4." and insert "**5."**

Page 4, line 35, delete "5." and insert "**6."**

Page 4, line 41, delete "6." and insert "**7."**

Page 5, line 6, delete "7." and insert "**8."**

Page 5, line 8, delete "8." and insert "**9."**

Page 5, line 9, delete "9(b)(3) and 10" and insert "**10(b)(3) and 11"**.

Page 5, line 10, after "tank" insert "**located in a critical zone of concern"**.

Page 5, line 37, delete "9" and insert "**10"**.

Page 6, line 3, delete "9." and insert "**10."**

Page 6, line 25, delete "8(b)" and insert "**9(b)"**.

Page 6, line 30, delete "8(d)(2)" and insert "**9(d)(2)"**.

Page 6 line 34, delete "10." and insert "**11."**

Page 6, delete lines 39 through 42, begin a new line block indented and insert:

"(2) An AST located on a farm or the premises of an agribusiness, the contents of which are:

- (A) used by the AST owner or operator for farming purposes; or**
- (B) produced as an agricultural commodity."**

Page 7, delete lines 1 through 2.

Page 7, line 4, after "farm" insert "**, the premises of an agribusiness,"**

Page 7, line 5, delete "two" and insert "**ten"**.

Page 7, line 6, delete "five hundred (2,500)" and insert "**(10,000)"**.

Page 8, between lines 39 and 40, begin a new line block indented and insert:

"(23) An AST containing mineral oil used solely for dust suppression."

Page 8, line 40, delete "(23)" and insert "**(24)"**.

Page 8, line 41, delete "9(b)(3)" and insert "**10(b)(3)"**.

Page 8, line 42, delete "11." and insert "**12."**

Page 9, line 2, after "under" insert "**IC 5-14-3-4(a)(1), IC 5-14-3-4(a)(4), IC 5-14-3-4(a)(8), or"**.

Renumber all SECTIONS consecutively.

(Reference is to ESB 312 as printed April 10, 2015.)

KOCH

Motion prevailed. The bill was ordered engrossed.

Representative Friend, who had been excused, is now present.

Engrossed Senate Bill 330

Representative Negele called down Engrossed Senate Bill 330 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 330-3)

Mr. Speaker: I move that Engrossed Senate Bill 330 be amended to read as follows:

Page 6, delete lines 28 through 42, begin a new paragraph and insert:

"SECTION 7. IC 36-4-3-4.2 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 4.2. (a) As used in this section, "infrastructure" means the capital improvements that comprise:**

- (1) a sanitary sewer system or wastewater treatment facility;**
- (2) a building and appurtenances;**
- (3) a park or recreational facility;**
- (4) a road, street, highway, or bridge; or**
- (5) a water treatment, water storage, or water distribution facility.**

(b) This section applies:

- (1) only to an annexation for which an annexation ordinance is adopted after June 30, 2015; and**
- (2) if there is debt, evidenced by bonds, leases, or other obligations, that is outstanding on infrastructure on the date that the annexation becomes effective.**

(c) This subsection applies if:

- (1) the municipality takes ownership of infrastructure located within the annexation territory, or part of an item of infrastructure, owned by the county; and**
- (2) the outstanding debt is payable from property taxes or from revenue bonds or obligations.**

The annexing municipality is liable to the county for reimbursements only if the municipality assumes ownership or partial ownership of the infrastructure. If the municipality assumes ownership or partial ownership of the infrastructure, the municipality shall reimburse the county for the appropriate share of the remaining debt that is payable by the county from property taxes or revenues. The county and the annexing municipality shall enter into an interlocal agreement under IC 36-1-7 regarding the allocation of the debt and reimbursement terms.

(d) This subsection applies if a local income tax under IC 6-3.5 has been pledged by the county to pay outstanding debt on infrastructure located within the county. To offset the change in local income tax distributions that will occur after the annexation, the annexing municipality is liable to the county for reimbursements in the amount that represents part of the outstanding debt on the infrastructure until the debt is fully paid. The amount that the municipality is required to reimburse the county is the lesser of:

- (1) the amount of local income tax revenue for the distribution year that is shifted from the county to the municipality as a result of the annexation; or**
- (2) the amount needed to produce one and twenty-five hundredths (1.25) times the total of the highest annual debt service obligation for which the local income tax revenue was pledged.**

(e) Reimbursements received by a county under this section shall be deposited in the appropriate debt service fund."

Page 7, delete lines 1 through 7.

Page 14, line 7, delete "The" and insert **"Except as provided in subsection (e), the"**.

Page 15, between lines 9 and 10, begin a new paragraph and insert:

"(e) An annexation may be appealed to the court under section 11 of this chapter if all of the following requirements are met:

(1) A written remonstrance is signed that meets the requirements of subsection (c) or (d).

(2) The annexation territory is contiguous to:

(A) the municipality; and

(B) property that is the site of an economic development project.

(3) The economic development project site described in subdivision (2)(B) needs the municipality to provide:

(A) water;

(B) sewer;

(C) gas; or

(D) any combination of the capital services described in clauses (A) through (C).

(4) The municipality finds that it is in the municipality's best interest to annex the annexation territory in order to extend, construct, or operate the capital services that are provided to the economic development project site described in subdivision (2)(B)."

Page 18, line 13, delete "This clause applies only to an annexation for which an".

Page 18, line 14, delete "annexation ordinance was adopted before July 1, 2015."

Page 18, delete lines 19 through 33.

Page 18, line 34, reset in roman "(B)".

Page 18, line 34, delete "(C)".

Page 19, line 1, reset in roman "(C)".

Page 19, line 1, delete "(D)".

Page 19, line 4, reset in roman "(D)".

Page 19, line 4, delete "(E)".

Page 19, line 14, delete "(F)" and insert **"(E)"**.

Page 19, line 27, delete "(G)" and insert **"(F)"**.

Page 19, line 36, reset in roman "(e)(2)(C)" and delete **"(e)(2)(D)"**.

Page 25, line 24, after "works" insert ".".

(Reference is to ESB 330 as printed April 7, 2015.)

TRUITT

Motion prevailed.

HOUSE MOTION (Amendment 330-1)

Mr. Speaker: I move that Engrossed Senate Bill 330 be amended to read as follows:

Page 2, line 2, delete "A waiver of remonstrance that is executed after June 30," and insert **"Notwithstanding any other law, a waiver of the right to remonstrate is effective and binding on a landowner or a successor in title only with regard to an annexation for which the annexation ordinance was adopted before July 1, 2015."**

Page 2, delete lines 3 through 42.

Delete pages 3 through 5.

Page 6, delete lines 1 through 27.

Page 7, delete lines 8 through 42, begin a new paragraph and insert:

"SECTION 4. IC 36-4-3-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5. (a) A municipality may not promote or collect signatures on an annexation petition that is filed under this section after June 30, 2015.

(a) (b) If the owners of land located outside of but contiguous to a municipality want to have territory containing that land

annexed to the municipality, they may file with the legislative body of the municipality a petition:

(1) signed by at least:

(A) fifty-one percent (51%) of:

(i) the owners of land in the territory sought to be annexed, in the case of a petition filed before July 1, 2015; or

(ii) in the territory sought to be annexed that is not exempt from property taxes under IC 6-1.1-10 or any other state law, in the case of a petition filed after June 30, 2015; or

(B) the owners of seventy-five percent (75%) of the total assessed value of the land for property tax purposes; and

(2) requesting an ordinance annexing the area described in the petition.

(b) (c) The petition circulated by the landowners must include on each page where signatures are affixed a heading that is substantially similar to the following:

"PETITION FOR ANNEXATION INTO THE (insert whether city or town) OF (insert name of city or town)."

(c) (d) Except as provided in section 5.1 of this chapter, if the legislative body fails to pass the ordinance within one hundred fifty (150) days after the date of filing of a petition under subsection (a), (b), the petitioners may file a duplicate copy of the petition in the circuit or superior court of a county in which the territory is located, and shall include a written statement of why the annexation should take place. Notice of the proceedings, in the form of a summons, shall be served on the municipality named in the petition. The municipality is the defendant in the cause and shall appear and answer.

(d) (e) The court shall hear and determine the petition without a jury, and shall order the proposed annexation to take place only if the evidence introduced by the parties establishes that:

(1) essential municipal services and facilities are not available to the residents of the territory sought to be annexed;

(2) the municipality is physically and financially able to provide municipal services to the territory sought to be annexed;

(3) the population density of the territory sought to be annexed is at least three (3) persons per acre; and

(4) the territory sought to be annexed is contiguous to the municipality.

If the evidence does not establish all four (4) of the preceding factors, the court shall deny the petition and dismiss the proceeding.

(e) (f) This subsection does not apply to a town that has abolished town legislative body districts under IC 36-5-2-4.1. An ordinance adopted under this section must assign the territory annexed by the ordinance to at least one (1) municipal legislative body district.

SECTION 5. IC 36-4-3-5.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5.1. (a) This section applies to an annexation in which Owners of land located outside but contiguous to a municipality may file a petition with the legislative body of the municipality:

(1) requesting an ordinance annexing the area described in the petition; and

(2) signed by:

(A) one hundred percent (100%) of the landowners that reside within the territory that is proposed to be annexed, in the case of a petition filed before July 1, 2015; and

(B) in the case of a petition filed after June 30, 2015, one hundred percent (100%) of the owners of land that is:

(i) located within the territory that is proposed to be annexed; and

(ii) not exempt from property taxes under IC 6-1.1-10 or any other state law.

(b) Sections 2.1 and 2.2 of this chapter do not apply to an annexation under this section.

(c) The petition circulated by the landowners must include on each page where signatures are affixed a heading that is substantially similar to the following:

"PETITION FOR ANNEXATION INTO THE (insert whether city or town) OF (insert name of city or town)."

(d) The municipality may:

- (1) adopt an annexation ordinance annexing the territory; and
- (2) adopt a fiscal plan and establish a definite policy by resolution of the legislative body;

after the legislative body has held a public hearing on the proposed annexation.

(e) The municipality may introduce and hold the public hearing on the annexation ordinance not later than thirty (30) days after the petition is filed with the legislative body. Notice of the public hearing may be published one (1) time in accordance with IC 5-3-1 at least twenty (20) days before the hearing. All interested parties must have the opportunity to testify at the hearing as to the proposed annexation.

(f) The municipality may adopt the annexation ordinance not earlier than fourteen (14) days after the public hearing under subsection (e).

(g) A landowner may withdraw the landowner's signature from the petition not more than thirteen (13) days after the municipality adopts the fiscal plan by providing written notice to the office of the clerk of the municipality. If a landowner withdraws the landowner's signature, the petition shall automatically be considered a voluntary petition that is filed with the legislative body under section 5 of this chapter, fourteen (14) days after the date the fiscal plan is adopted. All provisions applicable to a petition initiated under section 5 of this chapter apply to the petition.

(h) If the municipality does not adopt an annexation ordinance within sixty (60) days after the landowners file the petition with the legislative body, the landowners may file a duplicate petition with the circuit or superior court of a county in which the territory is located. The court shall determine whether the annexation shall take place as set forth in section 5 of this chapter.

~~(i) A remonstrance under section 11 of this chapter may not be filed. However, an appeal under section 15.5 of this chapter may be filed.~~

~~(j) (i) In the absence of an appeal under section 15.5 of this chapter, an annexation ordinance adopted under this section takes effect not less than thirty (30) days after the adoption of the ordinance and upon the filing and recording of the ordinance under section 22 of this chapter.~~

SECTION 6. IC 36-4-3-5.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5.5. (a) This section does not apply to an annexation under section 5 or 5.1 of this chapter.

(b) This section applies only to an annexation for which an annexation ordinance is adopted after June 30, 2015.

(c) After a municipality meets the requirements under section 2.1 and 2.2 of this chapter, and adopts an annexation ordinance under section 3 or 4 of this chapter, in order for the annexation to proceed, the municipality must file a written petition under subsection (f), signed by owners of land in the territory proposed to be annexed who are in favor of the annexation. The petition must be signed by:

- (1) at least fifty-one percent (51%) of the owners of land;

- (A) not exempt from property taxes under IC 6-1.1-10 or any other state law; and
- (B) in the territory proposed to be annexed; or

- (2) the owners of more than seventy-five percent (75%) in assessed valuation of land:

- (A) not exempt from property taxes under IC 6-1.1-10 or any other state law; and
- (B) in the territory proposed to be annexed.

(d) The petition circulated by the municipality must include on each page where signatures are affixed a heading that is substantially similar to the following:

"PETITION FOR ANNEXATION INTO THE (insert whether city or town) OF (insert name of city or town)."

(e) A landowner may withdraw the landowner's signature from the petition not more than ten (10) days after the municipality adopts the annexation ordinance by providing written notice to the office of the clerk of the municipality. A landowner who withdraws the landowner's signature from the petition is considered not to have signed the petition for purposes of subsection (h)(2).

(f) The municipality must file the petition with the circuit or superior court of the county where the municipality is located not later than ninety (90) days after the publication of the annexation ordinance under section 7 of this chapter. The petition must be accompanied by:

- (1) a copy of the ordinance; and
- (2) the names and addresses of all persons who meet the requirements of subsection (h).

(g) On receipt of the petition, the court shall determine whether the petition has the necessary signatures. In determining the total number of landowners of the territory proposed to be annexed and whether signers of the petition are landowners, the names appearing on the tax duplicate for that territory constitute prima facie evidence of ownership. Only one (1) person having an interest in each single property, as evidenced by the tax duplicate, is considered a landowner for purposes of this section. If the court determines that the municipality's petition has a sufficient number of signatures, the court shall fix a time, not later than sixty (60) days after its determination, for a hearing on the petition.

(h) A person may intervene as a party at the hearing described in subsection (g) if the person:

- (1) is an owner of property in the territory proposed to be annexed;
- (2) did not sign the petition and no other owner of the property signed the petition filed by the municipality; and
- (3) appeared in person or submitted a remonstrance or other document objecting to the annexation into the record of the hearing under section 2.1 of this chapter.

The court shall give a person described in this subsection notice of the hearing on the petition by certified mail.

SECTION 7. IC 36-4-3-5.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5.6. (a) This section applies only to an annexation ordinance adopted after June 30, 2015.

(b) A waiver or release of the right of remonstrance by a landowner or successor in title is void and may not be considered or counted as a valid signature on a petition in favor of annexation under section 5, 5.1, or 5.5 of this chapter.

(c) If with regard to a signature on a petition for annexation under section 5, 5.1, or 5.5 of this chapter:

- (1) the validity of a signature is uncertain; and
- (2) this section does not establish a standard to be applied in the case;

a reasonable doubt must be resolved in favor of the validity of the signature.

(d) Whenever the name of an individual, as printed or signed, contains a minor variation from the name of the individual as set forth in the relevant county records, the signature is considered valid.

(e) Whenever the residence address or mailing address of an individual contains a minor variation from the residence address or mailing address as set forth in the relevant county records, the signature is considered valid.

(f) If the residence address or mailing address of an individual contains a substantial variation from the residence address or mailing address as set forth in the relevant county records, the signature is considered invalid.

(g) If the signature of an individual does not substantially conform with the signature of the individual in relevant county records, the signature is considered invalid. In determining whether a signature substantially conforms with the signature in the relevant county records, consideration shall be given to whether that lack of conformity may reasonably be attributed to the age, disability, or impairment of the individual.

SECTION 8. IC 36-4-3-7, AS AMENDED BY P.L.113-2010, SECTION 116, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 7. (a) After an annexation ordinance is adopted, ~~under section 3; 4; 5; or 5.1 of this chapter, it the ordinance~~ must be published in the manner prescribed by IC 5-3-1.

(b) This subsection applies only to an annexation for which an annexation ordinance is adopted before July 1, 2015. Except as provided in subsection (b); ~~(c); or (f);~~ (c), (d), or (e), in the absence of remonstrance and appeal under section 11 or 15.5 of this chapter, the ordinance takes effect at least ninety (90) days after its publication and upon the filing required by section 22(a) of this chapter.

(c) The annexation ordinance takes effect as follows:

(1) This subdivision applies to an annexation under section 5 of this chapter. Except as provided in subsection (d) or (f), in the absence of an appeal under section 15.5 of this chapter, the annexation ordinance takes effect at least ninety (90) days after its publication and upon filing under section 22(a) of this chapter.

(2) This subdivision applies to an annexation under section 5.1 of this chapter. Except as provided in subsection (d) or (f), in the absence of an appeal under section 15.5 of this chapter, the ordinance takes effect not less than thirty (30) days after the adoption of the ordinance and upon the filing under section 22(a) of this chapter.

(3) This subdivision applies to an annexation under section 5.5 of this chapter. Except as provided in subsection (d) or (f), if the court's judgment under section 12 of this chapter, including any appeals under section 15.5 of this chapter, is in favor of the annexation, the annexation is effective upon the filing under section 22(a) of this chapter.

(4) This subdivision applies to an annexation under section 7.1 of this chapter for which an annexation ordinance is adopted after June 30, 2015. Notwithstanding subsection (d), if the court's judgment under section 12 of this chapter, including any appeals under section 15.5 of this chapter, is in favor of the annexation, the annexation is effective upon the filing under section 22(a) of this chapter.

~~(b) (d)~~ An ordinance described in subsection (d) or adopted under section 3; 4; 5; or 5.1 of this chapter annexation may not take effect during the year preceding a year in which a federal decennial census is conducted. An ordinance that would otherwise take effect during the year preceding a year in which a federal decennial census is conducted takes effect January 1 of the year in which a federal decennial census is conducted.

~~(c) (e)~~ Subsections ~~(d) (f)~~ and ~~(c) (g)~~ apply to fire protection districts that are established after June 14, 1987.

~~(d) (f)~~ Except as provided in subsection (b); (d), whenever a municipality annexes territory, all or part of which lies within a

fire protection district (IC 36-8-11), the annexation ordinance, in the absence of remonstrance and appeal under section 11 or 15.5 of this chapter (in the case of an annexation for which an annexation ordinance is adopted before July 1, 2015) or in the absence of a hearing or an appeal under section 12 or 15.5 of this chapter (in the case of an annexation for which an annexation ordinance is adopted after June 30, 2015), takes effect the second January 1 that follows the date the ordinance is adopted and upon the filing required by section 22(a) of this chapter. The municipality shall:

(1) provide fire protection to that territory beginning on the date the ordinance is effective; and

(2) send written notice to the fire protection district of the date the municipality will begin to provide fire protection to the annexed territory within ten (10) days of the date the ordinance is adopted.

~~(c) (g)~~ If the fire protection district from which a municipality annexes territory under subsection ~~(d) (f)~~ is indebted or has outstanding unpaid bonds or other obligations at the time the annexation is effective, the municipality is liable for and shall pay that indebtedness in the same ratio as the assessed valuation of the property in the annexed territory (that is part of the fire protection district) bears to the assessed valuation of all property in the fire protection district, as shown by the most recent assessment for taxation before the annexation, unless the assessed property within the municipality is already liable for the indebtedness. The annexing municipality shall pay its indebtedness under this section to the board of fire trustees. If the indebtedness consists of outstanding unpaid bonds or notes of the fire protection district, the payments to the board of fire trustees shall be made as the principal or interest on the bonds or notes becomes due.

~~(f)~~ This subsection applies to an annexation initiated by property owners under section 5.1 of this chapter in which all property owners within the area to be annexed petition the municipality to be annexed. Subject to subsections (b) and (d); and in the absence of an appeal under section 15.5 of this chapter, an annexation ordinance takes effect at least thirty (30) days after its publication and upon the filing required by section 22(a) of this chapter."

Delete pages 8 through 9.

Page 10, delete lines 1 through 11.

Page 10, line 13, after "7.1." insert "(a) This subsection applies only to an annexation for which an annexation ordinance was adopted before July 1, 2015."

Page 10, line 16, delete ", 11.1,".

Page 10, line 18, strike "all of the following".

Page 10, line 19, strike "conditions are met:" and insert "the conditions set forth in subsection (c) are met."

(b) This subsection applies to an annexation for which an annexation ordinance is adopted after June 30, 2015. An annexation that meets the conditions set forth in subsection (c) takes effect as set forth in section 7(c) of this chapter.

(c) This section applies to an annexation that meets all of the following conditions:"

Page 10, line 27, delete "This subsection".

Page 10, delete line 28.

Page 10, line 29, delete "was adopted before July 1, 2015."

Page 10, line 29, strike "section 5.1(i)".

Page 10, line 30, strike "of this chapter and".

Page 10, line 30, reset in roman "(d) and (e),".

Page 10, line 30, delete "(e) and (f),".

Page 11, line 1, delete "This subsection applies only to an annexation for which an".

Page 11, line 2, delete "annexation ordinance was adopted before July 1, 2015."

Page 11, line 11, delete "This subsection applies only to an annexation for which an".

Page 11, line 12, delete "annexation ordinance was adopted before July 1, 2015."

Page 11, delete lines 18 through 38.

Page 11, line 39, reset in roman "(d)".

Page 11, line 39, delete "(e)".

Page 12, line 1, reset in roman "(e)".

Page 12, line 1, delete "(f) This subsection applies only to an annexation for which".

Page 12, line 2, delete "an annexation ordinance is adopted before July 1, 2015".

Page 12, line 11, delete ".".

Page 12, line 11, reset in roman "as determined under subsection".

Page 12, line 12, reset in roman "(b)".

Page 12, delete lines 13 through 42, begin a new paragraph and insert:

"(f) This section applies only to an annexation for which the annexation ordinance was adopted before July 1, 2015.

SECTION 11. IC 36-4-3-11.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 11.5. (a) A landowner in an unincorporated area is not required to grant a municipality a waiver against remonstrance as a condition of connection to a sewer or water service if all of the following conditions apply:

(1) The landowner is required to connect to the sewer or water service because a person other than the landowner has polluted or contaminated the area.

(2) A person other than the landowner or the municipality has paid the cost of connection to the service.

(b) Notwithstanding any other law, a waiver of the right to remonstrate is effective and binding on a landowner or a successor in title only with regard to an annexation for which the annexation ordinance was adopted before July 1, 2015.

SECTION 12. IC 36-4-3-12, AS AMENDED BY P.L.113-2010, SECTION 117, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 12. (a) The circuit or superior court shall:

(1) on the date fixed under section 11 **(in the case of an annexation for which an annexation ordinance is adopted before July 1, 2015) or 5.5** of this chapter, hear and determine the remonstrance **(in the case of an annexation for which an annexation ordinance is adopted before July 1, 2015) or petition** without a jury; and

(2) without delay, enter judgment on the question of the annexation according to the evidence that either party may introduce.

(b) This subsection does not apply to an annexation under section 7.1 of this chapter. If the court enters judgment in favor of the annexation, the annexation may not take effect during the year preceding the year in which a federal decennial census is conducted. An annexation that would otherwise take effect during the year preceding a year in which a federal decennial census is conducted takes effect January 1 of the year in which a federal decennial census is conducted.

SECTION 13. IC 36-4-3-13, AS AMENDED BY P.L.119-2012, SECTION 188, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 13. (a) Except as provided in ~~subsections (c) and (g); subsection (e)~~, at the hearing under section 12 of this chapter, the court shall order a proposed annexation to take place if the following requirements are met:

(1) The requirements of either subsection (b) or (c).

(2) The requirements of subsection (d).

(b) The requirements of this subsection are met if the evidence establishes the following:

(1) That the territory sought to be annexed is contiguous to the municipality.

(2) One (1) of the following:

(A) The resident population density of the territory sought to be annexed is at least three (3) persons per acre.

(B) Sixty percent (60%) of the territory is subdivided.

(C) The territory is zoned for commercial, business, or industrial uses.

(c) The requirements of this subsection are met if the evidence establishes the following:

(1) That the territory sought to be annexed is contiguous to the municipality as required by section 1.5 of this chapter, except that at least one-fourth (1/4), instead of one-eighth (1/8), of the aggregate external boundaries of the territory sought to be annexed must coincide with the boundaries of the municipality.

(2) That the territory sought to be annexed is needed and can be used by the municipality for its development in the reasonably near future.

(d) The requirements of this subsection are met if the evidence establishes that the municipality has developed and adopted a written fiscal plan and has established a definite policy, by resolution of the legislative body as set forth in section 3.1 of this chapter. The fiscal plan must show the following:

(1) The cost estimates of planned services to be furnished to the territory to be annexed. The plan must present itemized estimated costs for each municipal department or agency.

(2) The method or methods of financing the planned services. The plan must explain how specific and detailed expenses will be funded and must indicate the taxes, grants, and other funding to be used.

(3) The plan for the organization and extension of services. The plan must detail the specific services that will be provided and the dates the services will begin.

(4) That planned services of a noncapital nature, including police protection, fire protection, street and road maintenance, and other noncapital services normally provided within the corporate boundaries, will be provided to the annexed territory within one (1) year after the effective date of annexation and that they will be provided in a manner equivalent in standard and scope to those noncapital services provided to areas within the corporate boundaries regardless of similar topography, patterns of land use, and population density.

(5) That services of a capital improvement nature, including street construction, street lighting, sewer facilities, water facilities, and stormwater drainage facilities, will be provided to the annexed territory within three (3) years after the effective date of the annexation in the same manner as those services are provided to areas within the corporate boundaries, regardless of similar topography, patterns of land use, and population density, and in a manner consistent with federal, state, and local laws, procedures, and planning criteria.

(e) This subsection applies only to an annexation for which an annexation ordinance is adopted before July 1, 2015. At the hearing under section 12 of this chapter, the court shall do the following:

(1) Consider evidence on the conditions listed in subdivision (2).

(2) Order a proposed annexation not to take place if the court finds that all of the conditions set forth in clauses (A) through (D) and, if applicable, clause (E) exist in the territory proposed to be annexed:

(A) The following services are adequately furnished by a provider other than the municipality seeking the annexation:

(i) Police and fire protection.

(ii) Street and road maintenance.

(B) The annexation will have a significant financial impact on the residents or owners of land.

(C) The annexation is not in the best interests of the owners of land in the territory proposed to be annexed as set forth in subsection (f).

(D) One (1) of the following opposes the annexation:

(i) At least sixty-five percent (65%) of the owners of land in the territory proposed to be annexed.

(ii) The owners of more than seventy-five percent (75%) in assessed valuation of the land in the territory proposed to be annexed.

Evidence of opposition may be expressed by any owner of land in the territory proposed to be annexed.

(E) This clause applies only to an annexation in which eighty percent (80%) of the boundary of the territory proposed to be annexed is contiguous to the municipality and the territory consists of not more than one hundred (100) parcels. At least seventy-five percent (75%) of the owners of land in the territory proposed to be annexed oppose the annexation as determined under section 11(b) of this chapter.

(f) This subsection applies only to an annexation for which an annexation ordinance is adopted before July 1, 2015. The municipality under subsection (e)(2)(C) bears the burden of proving that the annexation is in the best interests of the owners of land in the territory proposed to be annexed. In determining this issue, the court may consider whether the municipality has extended sewer or water services to the entire territory to be annexed:

(1) within the three (3) years preceding the date of the introduction of the annexation ordinance; or

(2) under a contract in lieu of annexation entered into under IC 36-4-3-21.

The court may not consider the provision of water services as a result of an order by the Indiana utility regulatory commission to constitute the provision of water services to the territory to be annexed.

(g) This subsection applies only to cities located in a county having a population of more than two hundred fifty thousand (250,000) but less than two hundred seventy thousand (270,000). However, this subsection does not apply if on April 1, 1993, the entire boundary of the territory that is proposed to be annexed was contiguous to territory that was within the boundaries of one (1) or more municipalities. At the hearing under section 12 of this chapter, the court shall do the following:

(1) Consider evidence on the conditions listed in subdivision (2).

(2) Order a proposed annexation not to take place if the court finds that all of the following conditions exist in the territory proposed to be annexed:

(A) The following services are adequately furnished by a provider other than the municipality seeking the annexation:

(i) Police and fire protection.

(ii) Street and road maintenance.

(B) The annexation will have a significant financial impact on the residents or owners of land.

(C) One (1) of the following opposes the annexation:

(i) A majority of the owners of land in the territory proposed to be annexed.

(ii) The owners of more than seventy-five percent (75%) in assessed valuation of the land in the territory proposed to be annexed.

Evidence of opposition may be expressed by any owner of land in the territory proposed to be annexed.

(h) The most recent:

(1) federal decennial census;

(2) federal special census;

(3) special tabulation; or

(4) corrected population count;

shall be used as evidence of resident population density for purposes of subsection (b)(2)(A), but this evidence may be rebutted by other evidence of population density.

(h) This subsection applies only to an annexation for which an annexation ordinance is adopted after June 30, 2015. A municipality may not amend the fiscal plan after the date that the municipality files the annexation petition with the court under section 5.5 of this chapter, unless amendment of the fiscal plan is consented to by the individuals signing the petition."

Delete pages 13 through 20.

Page 21, delete lines 1 through 6.

Page 21, delete lines 15 through 42, begin a new paragraph and insert:

"SECTION 15. IC 36-4-3-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 15. (a) The court's judgment under section 12 or 15.5 of this chapter must specify the annexation ordinance. ~~on which the remonstrance is based.~~ The clerk of the court shall deliver a certified copy of the **final unappealable** judgment to the clerk of the municipality. The clerk of the municipality shall:

(1) record the judgment in the clerk's ordinance record; and

(2) make a cross-reference to the record of the judgment on the margin of the record of the annexation ordinance.

(b) If a judgment under section 12 or 15.5 of this chapter is adverse to annexation, the municipality may not make further attempts to annex the territory or any part of the territory during the four (4) years after the later of:

(1) the judgment of the circuit or superior court; or

(2) the date of the final disposition of all appeals to a higher court;

unless the annexation is petitioned for under section 5 or 5.1 of this chapter.

(c) This subsection applies if a municipality repeals the annexation ordinance:

(1) less than sixty-one (61) days after the publication of the ordinance under section 7(a) of this chapter; and

(2) before the hearing commences ~~on the remonstrance~~ under section 11(c) **(in the case of an annexation for which an annexation ordinance is adopted before July 1, 2015) or 12** of this chapter.

A municipality may not make further attempts to annex the territory or any part of the territory during the twelve (12) months after the date the municipality repeals the annexation ordinance. This subsection does not prohibit an annexation of the territory or part of the territory that is petitioned for under section 5 or 5.1 of this chapter.

(d) This subsection applies if a municipality repeals the annexation ordinance:

(1) at least sixty-one (61) days but not more than one hundred twenty (120) days after the publication of the ordinance under section 7(a) of this chapter; and

(2) before the hearing commences ~~on the remonstrance~~ under section 11(c) **(in the case of an annexation for which an annexation ordinance is adopted before July 1, 2015) or 12** of this chapter.

A municipality may not make further attempts to annex the territory or any part of the territory during the twenty-four (24) months after the date the municipality repeals the annexation ordinance. This subsection does not prohibit an annexation of the territory or part of the territory that is petitioned for under section 5 or 5.1 of this chapter.

(e) This subsection applies if a municipality repeals the annexation ordinance:

(1) either:

(A) at least one hundred twenty-one (121) days after publication of the ordinance under section 7(a) of this chapter but before the hearing commences ~~on the remonstrance~~ under section 11(c) **(in the case of an**

annexation for which an annexation ordinance is adopted before July 1, 2015) or 12 of this chapter; or
(B) after the hearing commences ~~on the remonstrance~~ as set forth in section 11(c) **(in the case of an annexation for which an annexation ordinance is adopted before July 1, 2015) or 12** of this chapter; and

(2) before the date of the judgment of the circuit or superior court as set forth in subsection (b).

A municipality may not make further attempts to annex the territory or any part of the territory during the forty-two (42) months after the date the municipality repeals the annexation ordinance. This subsection does not prohibit an annexation of the territory or part of the territory that is petitioned for under section 5 or 5.1 of this chapter.

(f) If a judgment under section 12 or 15.5 of this chapter orders the annexation to take place, the annexation is effective when the clerk of the municipality complies with the filing requirement of section 22(a) of this chapter.

SECTION 16. IC 36-4-3-15.3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 15.3. (a) As used in this section, "prohibition against annexation" means that a municipality may not make further attempts to annex certain territory or any part of that territory.

(b) As used in this section, "settlement agreement" means a written court approved settlement of a dispute involving annexation under this chapter between a municipality and remonstrators.

(c) Under a settlement agreement between the annexing municipality and either:

- (1) seventy-five percent (75%) or more of all landowners participating in the remonstrance; or
- (2) the owners of more than seventy-five percent (75%) in assessed valuation of the land owned by all landowners participating in the remonstrance;

the parties may mutually agree to a prohibition against annexation of all or part of the territory by the municipality for a period not to exceed twenty (20) years. The settlement agreement may address issues and bind the parties to matters relating to the provision by a municipality of planned services of a noncapital nature and services of a capital improvement nature (as described in section 13(d) of this chapter), in addition to a prohibition against annexation. The settlement agreement is binding upon the successors, heirs, and assigns of the parties to the agreement. However, the settlement agreement may be amended or revised periodically on further agreement between the annexing municipality and landowners who meet the qualifications of subsection (c)(1) or (c)(2).

(d) A settlement agreement executed after June 30, 2015, is void.

SECTION 17. IC 36-4-3-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 22. (a) The clerk of the municipality shall do the following:

- (1) File each annexation ordinance against which a remonstrance **(in the case of an annexation for which an annexation ordinance is adopted before July 1, 2015)** or an appeal has not been filed during the period permitted under this chapter or the certified copy of a **final unappealable** judgment ordering an annexation to take place with each of the following:

- (A) The county auditor of each county in which the annexed territory is located.
- (B) The circuit court clerk of each county in which the annexed territory is located.
- (C) If a board of registration exists, the registration board of each county in which the annexed territory is located.
- (D) The office of the secretary of state.
- (E) The office of census data established by IC 2-5-1.1-12.2.

(2) Record each annexation ordinance adopted under this chapter in the office of the county recorder of each county in which the annexed territory is located.

(b) The copy must be filed and recorded no later than ninety (90) days after:

- (1) the expiration of the period permitted for a remonstrance **(in the case of an annexation for which an annexation ordinance is adopted before July 1, 2015) or an appeal**; or
- (2) the delivery of a certified order under section 15 of this chapter.

(c) Failure to record the annexation ordinance as provided in subsection (a)(2) does not invalidate the ordinance.

(d) The county auditor shall forward a copy of any annexation ordinance filed under this section to the following:

- (1) The county highway department of each county in which the lots or lands affected are located.
- (2) The county surveyor of each county in which the lots or lands affected are located.
- (3) Each plan commission, if any, that lost or gained jurisdiction over the annexed territory.
- (4) The sheriff of each county in which the lots or lands affected are located.
- (5) The township trustee of each township that lost or gained jurisdiction over the annexed territory.
- (6) The office of the secretary of state.
- (7) The office of census data established by IC 2-5-1.1-12.2.

(e) The county auditor may require the clerk of the municipality to furnish an adequate number of copies of the annexation ordinance or may charge the clerk a fee for photoreproduction of the ordinance. The county auditor shall notify the office of the secretary of state and the office of census data established by IC 2-5-1.1-12.2 of the date that the annexation ordinance is effective under this chapter.

(f) The county auditor or county surveyor shall, upon determining that an annexation ordinance has become effective under this chapter, indicate the annexation upon the property taxation records maintained in the office of the auditor or the office of the county surveyor.

SECTION 18. IC 36-9-22-2, AS AMENDED BY P.L.243-2013, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2. (a) The power of the municipal works board to fix the terms of a contract under this section applies to contracts for the installation of sewage works that have not been finally approved or accepted for full maintenance and operation by the municipality on July 1, 1979.

(b) The works board of a municipality may contract with owners of real property for the construction of sewage works within the municipality or within four (4) miles outside its corporate boundaries in order to provide service for the area in which the real property of the owners is located. The contract must provide, for a period of not to exceed fifteen (15) years, for the payment to the owners and their assigns by any owner of real property who:

- (1) did not contribute to the original cost of the sewage works; and
- (2) subsequently taps into, uses, or deposits sewage or storm waters in the sewage works or any lateral sewers connected to them;

of a fair pro rata share of the cost of the construction of the sewage works, subject to the rules of the board and notwithstanding any other law relating to the functions of local governmental entities. However, the contract does not apply to any owner of real property who is not a party to the contract unless the contract or (after June 30, 2013) a signed memorandum of the contract has been recorded in the office of the recorder of the county in which the real property of the owner is located before the owner taps into or connects to the sewers and facilities. The board may provide that the fair pro rata share

of the cost of construction includes interest at a rate not exceeding the amount of interest allowed on judgments, and the interest shall be computed from the date the sewage works are approved until the date payment is made to the municipality.

(c) **Before July 1, 2015**, the contract must include, as part of the consideration running to the municipality, the release of the right of the parties to the contract and their successors in title to remonstrate against pending or future annexations by the municipality of the area served by the sewage works. Any person tapping into or connecting to the sewage works contracted for is considered to waive the person's rights to remonstrate against the annexation of the area served by the sewage works, **if the annexation ordinance is adopted before July 1, 2015**.

(d) This subsection does not affect any rights or liabilities accrued, or proceedings begun before July 1, 2013. Those rights, liabilities, and proceedings continue and shall be imposed and enforced under prior law as if this subsection had not been enacted. **Except as provided in subsection (g)**, for contracts executed after June 30, 2013, the release of the right to remonstrate is binding on a successor in title to a party to the contract only if the successor in title:

- (1) has actual notice of the release; or
- (2) has constructive notice of the release because the contract, or a signed memorandum of the contract stating the release, has been recorded in the chain of title of the property.

(e) Subsection (c) does not apply to a landowner if all of the following conditions apply:

- (1) The landowner is required to connect to the sewage works because a person other than the landowner has polluted or contaminated the area.
- (2) The costs of extension of or connection to the sewage works are paid by a person other than the landowner or the municipality.

(f) Subsection (c) does not apply to a landowner who taps into, connects to, or is required to tap into or connect to the sewage works of a municipality only because the municipality provides wholesale sewage service (as defined in IC 8-1-2-61.7) to another municipality that provides sewage service to the landowner.

(g) Notwithstanding any other law, a release of the right to remonstrate is effective and binding on a landowner or a successor in title to a party to the contract only with regard to an annexation for which the annexation ordinance was adopted before July 1, 2015.

Delete pages 22 through 29.

Renumber all SECTIONS consecutively.

(Reference is to ESB 330 as printed April 7, 2015.)

THOMPSON

Motion withdrawn. The bill was ordered engrossed.

Engrossed Senate Bill 406

Representative McMillin called down Engrossed Senate Bill 406 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 406-2)

Mr. Speaker: I move that Engrossed Senate Bill 406 be amended to read as follows:

Replace the effective dates in SECTIONS 1 through 8 with "[EFFECTIVE UPON PASSAGE]".

Page 3, line 20, delete "criminal".

Page 3, line 21, delete "and".

Page 3, line 29, delete "criminal or".

Page 3, line 34, delete "criminal or".

Page 4, delete lines 23 through 38, begin a new line block indented and insert:

"(3) The prescriber provides education and training on drug overdose response and treatment, including the administration of an overdose intervention drug.

(4) The prescriber provides drug addiction treatment information and referrals to drug treatment programs, including programs in the local area and programs that offer medication assisted treatment that includes a federal Food and Drug Administration approved long acting, nonaddictive medication for the treatment of opioid or alcohol dependence."

Page 5, between lines 13 and 14, begin a new paragraph and insert:

"(e) An entity acting under a standing order issued by a prescriber must do the following:

(1) Annually register with either the:

(A) state department; or

(B) local health department in the county where services will be provided by the entity;

in a manner prescribed by the state department.

(2) Provide education and training on drug overdose response and treatment, including the administration of an overdose intervention drug.

(3) Provide drug addiction treatment information and referrals to drug treatment programs, including programs in the local area and programs that offer medication assisted treatment that includes a federal Food and Drug Administration approved long acting, nonaddictive medication for the treatment of opioid or alcohol dependence."

Page 5, line 14, delete "A" and insert **"Except for an act of gross negligence or willful misconduct, a"**.

Page 5, line 16, delete "both criminal and".

Page 5, line 17, delete "A" and insert **"Except for an act of gross negligence or willful misconduct, a"**.

Page 5, line 18, delete "both criminal and".

Page 5, line 20, delete "An" and insert **"Except for an act of gross negligence or willful misconduct, an"**.

Page 5, line 21, delete "both criminal and".

Page 5, line 30, after "individuals" insert **"or entities"**.

Page 5, after line 31, begin a new paragraph and insert:

"SECTION 9. An emergency is declared for this act."

(Reference is to ESB 406 as printed April 3, 2015.)

MCMILLIN

Motion prevailed. The bill was ordered engrossed.

HOUSE MOTION

Mr. Speaker: I move that SB 27 be returned to the second reading calendar forthwith for the purpose of amendment.

SMALTZ

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Tuesday, April 14, 2015, at 11:30 a.m.

HUSTON

The motion was adopted by a constitutional majority.

OTHER BUSINESS ON THE SPEAKER'S TABLE

HOUSE MOTION

Mr. Speaker: I move that Representative GiaQuinta be added as cosponsor of Engrossed Senate Bill 65.

KOCH

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Forestal be added as cosponsor of Engrossed Senate Bill 307.

STEUERWALD

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Klinker be added as cosponsor of Engrossed Senate Bill 317.

SMITH, M.

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative DeLaney be added as cosponsor of Engrossed Senate Bill 524.

STEUERWALD

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Hamm be added as cosponsor of Engrossed Senate Bill 559.

FRIZZELL

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that House Rule 105.1 be suspended for the purpose of adding more than three coauthors and that Representative Miller be added as coauthor of Engrossed House Bill 1145.

FRIZZELL

The motion, having been seconded by a constitutional majority and carried by a two-thirds vote of the members, prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Niezgodski be added as coauthor of House Bill 1466.

CARBAUGH

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Rhoads, Thompson and Braun be added as coauthors of House Resolution 49.

LEHMAN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Rhoads, Thompson and Braun be added as coauthors of House Concurrent Resolution 75.

RICHARDSON

Motion prevailed.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed House Concurrent Resolutions 68, 69, 70, 71, 72, 73, 74 and 75 and the same are herewith returned to the House.

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed, without amendments, Engrossed

House Bills 1119, 1401 and 1509 and the same are herewith returned to the House.

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed House Bills 1045, 1102, 1264, 1273, 1300, 1302, 1398, 1403, 1414, 1505, 1508, 1540, 1636 and 1637 with amendments and the same are herewith returned to the House for concurrence.

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has concurred in the House amendments to Engrossed Senate Bill 383.

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the President Pro Tempore of the Senate has appointed the following Senators to serve as conference committee on Engrossed Senate Bill 123:

Conferees: Becker, Chairman; and Rogers
Advisors: Kenley, Stoops, Tomes and Bassler

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the President Pro Tempore of the Senate has appointed the following Senators to serve as conference committee on Engrossed Senate Bill 370:

Conferees: Becker, Chairman; and Arnold
Advisors: Tomes and Stoops

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the President Pro Tempore of the Senate has appointed the following Senators to serve as conference committee on Engrossed Senate Bill 426:

Conferees: Houchin, Chairman; and Broden
Advisors: Kenley, Breaux and Buck

JENNIFER L. MERTZ
Principal Secretary of the Senate

Pursuant to House Rule 60, committee meetings were announced.

On the motion of Representative VanNatter, the House adjourned at 5:23 p.m., this thirteenth day of April, 2015, until Tuesday, April 14, 2015, at 11:30 a.m.

BRIAN C. BOSMA
Speaker of the House of Representatives

M. CAROLINE SPOTTS
Principal Clerk of the House of Representatives